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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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RAYMOND LEE NORCUTT, JR.,

Plaintiff,

*versus*

UNITED STATES OF AMERICA, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:10-CV-717

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Raymond Lee Norcutt, Jr., a federal prisoner, brought the above-styled action against the United States of America and prison officials.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends plaintiff's motion to dismiss Count III of the Amended Complaint, the FTCA claim, should be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. It is

**ORDERED** that plaintiff's motion to dismiss Count III of the Amended Complaint, the FTCA claim, is **GRANTED**. Accordingly, plaintiff's FTCA claim is dismissed without prejudice.

SIGNED at Beaumont, Texas, this 9th day of August, 2012.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE